

James B. Sumpter, Pro se
21169 Westbay Circle
Noblesville, IN 46062
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jsump@ieee.org

Salaried Retiree of Debtors

UNITED STATES BANKRUPTCY
COURT SOUTHERN DISTRICT OF
NEW YORK

-----x Chapter 11 Case No. 05-44481 (RDD)

In re:

DELPHI CORPORATION, et. al.,

: (Jointly Administered) :

Debtors.

: :

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-----x

**EXPEDITED MOTION FOR A DELAY REGARDING DPHH's
INJUNCTION MOTION -Docket # 22139
(SUMPTER INJUNCTION MOTION II)**

1. I am requesting a delay regarding DPHH's motion for an injunction (Docket #22139) for the following reasons:

- a. I am having an interval of significant health issues that is making it very difficult to do any meaningful work. In fact, attempting to work under these conditions compromises my health more.
- b. DPHH's motion is in violation of rule 9006-1.

2. On September 6, 2013, I requested a delay from the Indiana District Court because of my health issues, as it pertains to DPHH's and other defendants motion to dismiss my Indiana suit (see attachment 1).

U.S. BANKRUPTCY COURT
FILED
2013 SEP 17 AM 9:47
S.D. OF N.Y.

3. DPHH and its attorney Ms. Angela Boufford were aware of my health issues and the Indiana delay requests prior to filing their motion for injunction.

4. The District Court has granted my request for delay (see attachment 2).

5. It defeats the purpose of the District Court's delay if I'm forced to try to answer the DPHH motion in the bankruptcy court at a time when my health is severely compromised.

6. I don't have the physical and emotional resources to do much productive work at this time, and it has taken significant effort just to draft this Motion for Delay.

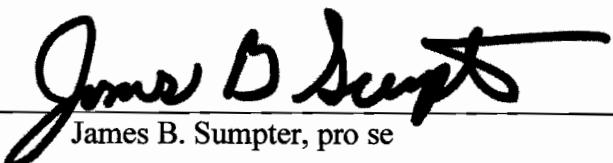
7. Although the bankruptcy court granted a short delay because of a health appointment conflict I had relative to DPHH's motion to close the bankruptcy case (Docket #22073), I have never requested a delay because of my health.

8. I received notice of the DPHH injunction motion (docket # 22139) on Saturday, September 7, 2013 via FedEx overnight. The return date stated on the motion document is September 19, 2013. Therefore the motion was not served 14 days prior to the return date as required by Rule 9006 – 1.

9. Therefore, for the reasons stated above, I am requesting a delayed hearing date that is no sooner than the next Omnibus hearing date, which I understand to be October 24, 2013. This would indicate my response would be due by October 17, 2013.

WHEREFORE, I respectfully requests this Court provide the relief requested above.

Dated: Noblesville, Indiana
September 15, 2013

By: 
James B. Sumpter, pro se

James B. Sumpter, pro se
21169 Westbay Circle
Noblesville, IN 46062
Phone 317-877-0736
E-mail jsump@ieee.org

Salaried Retiree of Debtors

Attachment 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

James B. Sumpter,

)

Plaintiff,

)

vs.

)

DPH (Holding), Inc.

)

fka/ Delphi Automotive Systems),
Defendant.

)

vs.

)

Butzel Long , P.C.

)

Defendant.

)

vs.

)

John Brooks

)

and Other TBD DPHH Employees

)

vs.

)

Cynthia Haffey,

)

Roberta P. Granadier

)

and Other TBD Butzel long Employees

)

Defendants

)

)

MOTION FOR EXTENSION OF TIME

1. Plaintiff, James B. Sumpter, moves the Court for an extension of time to respond to Defendants' Motion To Dismiss The Complaint (docket # 28) by DPH (Holdings) Corporation, Butzel Long, P.C., "Other TBD DPH Employees", John Brooks, Cynthia Haffey, Roberta P. Granadier, and "Other TBD Butzel long Employees" (hereinafter collectively ("Defendants") . I am requesting up to 28 days from the entry of an Order on this motion.

2013 SEP -6 AM 4:22

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

2. In support of his motion, Plaintiff state as follows:

- a.** Plaintiff is appearing *pro se* in this action.
- b.** The defendants have made significant factual errors in their Motion to Dismiss, which I intend to correct in my response to challenge the motion.
- c.** The defendants have noted that the plaintiff has two cases pending in the Indiana District court, including this one. In those cases, this is the Plaintiff s' first request for an extension of time for any proceeding. The extension herein is for 28 days.
- d.** This extension does not interfere with any deadlines in this case.
- e.** I have communicated with the defendants' attorney, Ms. Angela Emmerling Boufford, she has indicated that she concurs with the motion for delay, since this will give her time to file a motion regarding this case in the bankruptcy court, to be heard on September 26, 2013. I don't agree with her justification for agreeing with the delay. If Ms. Boufford files a motion in the bankruptcy court, it will require a response from me and defeat a large part of the reason for which I am requesting the delay.

3. The primary reason for this request is due to my health situation. I have been disabled and unable to work, for the past twelve years, because I have lupus, rheumatoid arthritis, major depression and chronic fatigue. In addition, I have recurring

episodes of pleurisy, infrequent cardiac episodes and worsening problems with most of his joints. Consequently, I have limited use of my hands.

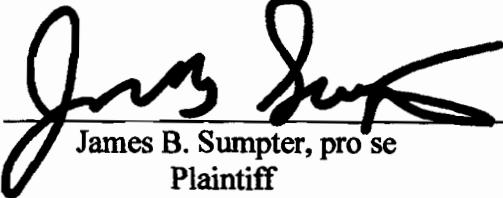
4. In mid, May I lost the ability to keyboard or use a conventional computer mouse because of changes in my fingers. I am now using a voice recognition system, which, although functional, is very inefficient.

5. On my best days, I have two to three hours of productivity. When I work on one of these legal issues, I walk a health threatening tight-rope due to the strain of the effort and the accompanying stress.

6. Currently I'm not having many good days and my situation is growing tenuous. Therefore, I believe I am not able to craft a proper response in the time allowed (14 days) by the local court rules.

WHEREFORE, Plaintiff, James B. Sumpter, moves the Court for an extension of time to respond to Defendants' Motion to Dismiss the Complaint, including up to 28 days from the entry of an Order on this motion.

Signed this 6th day of September, 2013

By: 
James B. Sumpter, pro se
Plaintiff

James B. Sumpter, pro se
21169 Westbay Circle
Noblesville, IN 46062

Phone 317-877-0736
E-mail jsump@ieee.org

Attachment 2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

James B. Sumpter,)
vs. Plaintiff,)
DPH HOLDINGS, INC. et al) Cause No.
Defendants.)
)
)
)
)

1:13-cv-1024 WTL - TAB

ORDER

This matter is before the Court on the Motion for Extension of Time filed by Plaintiff James B. Sumpter for an extension to and including 28 days from the date of this Order to respond to Defendants' (DPH HOLDINGS, CORP. et al) Motion To Dismiss The Complaint (docket # 28). The Court, having examined the motion and being duly advised, now GRANTS same.

IT IS THEREFORE ORDERED that the plaintiff is granted an extension of time to and including October 28, 2013, in which to respond to the Defendants' Motion to Dismiss the Complaint.

Dated: 09/11/2013

7-13L

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

Copies to all registered counsel of record via CM/ECF

Copy via U.S. Mail:

James B. Sumpter
21169 Westbay Circle
Noblesville, IN 46062

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----* Chapter 11 Case No. 05-44481 (RDD)

In re:
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Debtors. :
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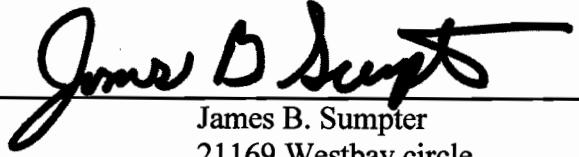
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AFFIDAVIT OF SERVICE

I, James B. Sumpter, do hereby state that relative to the Motion:

(“SUMPTER INJUNCTION MOTION II”) [Docket # 22139]

I served copies of the above motion on the entities listed in Exhibit A, via FED_EX overnight and Email. The documents were e-mailed on 16-SEP-2013 and shipped Fed- Ex on 16-SEP-2013.



James B. Sumpter
21169 Westbay circle
Noblesville, IN 46062
Telephone: (317) 877-0736
jsump@ieee.org

9/16/13

Date

ATTACHMENT A

Serving Date – September 16, 2013

Hon. Robert D. Drain
United States Bankruptcy Court
for the Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4140
Telephone: (914) 390-4155

David J. DeVine
Butzel Long
150 W. Jefferson
Suite 100
Detroit, MI 48236
Telephone: 313-225-7064

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Salaried Retiree of Debtors

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COURT SOUTHERN DISTRICT OF
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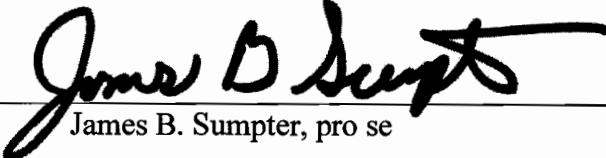
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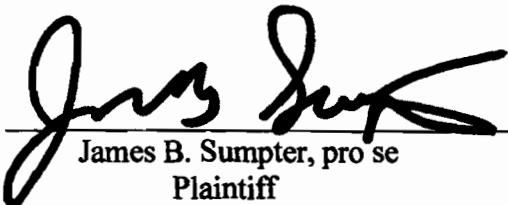
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Signed this 6th day of September, 2013

By: 
James B. Sumpter, pro se
Plaintiff

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21169 Westbay Circle
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